

U.S. Army Corps of Engineers - Charleston District
Checklist for 2002 Nationwide Permit Review
Nationwide Permit 12

Utility Line Activities
(10/404)

SAC #: _____

Applicant Name: _____

Waterway/Location: _____

Project Name: _____

1. Is the activity for the construction, maintenance, or repair of utility lines (all waters of the U.S.), utility line substations (non-tidal waters of the U.S., excluding wetlands adjacent to tidal waters), foundations for overhead utility line towers, poles, and anchors (all waters of the U.S.), and access roads (non-tidal waters of the U.S., excluding wetlands adjacent to tidal waters)?

☐ Yes ☐ No

2. Will the activity meet any of the following conditions and/or exceed any of the following thresholds: 1/10 acre for construction of substations; 500 linear feet of above grade access road; construction of roads made of impervious materials; a Section 10 permit is required; construction of permanent roads; mechanized land-clearing in a forested wetland; utility line placed within a water of the U.S. and it runs parallel to a streambed within that water of the U.S.?

☐ Yes* ☐ No

3. Is the activity located in submerged aquatic vegetation, tidal wetlands, and/or coral reefs, or in non-tidal wetlands adjacent to tidal waters which would have an adverse impact on essential fish habitat?

☐ Yes ☐ No

4. If located in Section 10 waters, have the PCN and verification been sent to NOAA's National Ocean Service for charting purposes to protect navigation? (National Oceanic & Atmospheric Administration, Office of Coast Survey, N/CS26, STA 7317, 1315 East-West Highway, Silver Spring, Maryland 20910-3282) **NOTE:** all utility lines constructed over or routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit, except for pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the U.S. These are considered to be bridges, not utility lines, and may need a permit from the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act. However, any discharges of dredged or fill material associated with the pipelines (bridges) will require a Corps permit under Section 404.

☐ Yes ☐ No ☐ NA

5. If the activity is for the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, is there a proposed change in preconstruction contours?
- ☐ Yes ☐ No ☐ NA
6. If a trench is excavated, and if the material resulting from the excavation is being sidecast into waters of the U.S., is it being sidecast for longer than 3 months (the District Engineer can extend the period for an additional 3 months, not to exceed 180 days total), and/or is it placed in such a manner as to be dispersed by currents or other forces?
- ☐ Yes ☐ No ☐ NA
7. If a trench is excavated, is it constructed in such a manner that it drains waters of the U.S.?
- ☐ Yes ☐ No ☐ NA
8. If a trench is excavated, are the exposed slopes and stream banks being stabilized immediately upon completion of the utility line crossing of each waterbody?
- ☐ Yes ☐ No ☐ NA
9. If the activity is for the construction or maintenance of foundations for overhead utility line towers, poles, and anchors, are the foundations the minimum size necessary and separate for each tower leg?
- ☐ Yes ☐ No ☐ NA
10. If the activity is for the construction of access roads for the construction and maintenance of utility lines, are the roads the minimum width necessary and constructed so that the length of the road minimizes the adverse effects to waters of the U.S. and to the preconstruction contours and elevations? **NOTE:** Access roads used solely for the construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions.
- ☐ Yes ☐ No ☐ NA
11. If the activity is for the construction of access roads for the construction and maintenance of utility lines and the roads are constructed above preconstruction contours and elevations, are the roads properly bridged and culverted to maintain surface flows?
- ☐ Yes ☐ No ☐ NA
12. If the activity includes mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance and expansion of utility line substations, foundations for overhead utility lines, and access roads, is the clearing and filling kept to the minimum necessary, and are the preconstruction contours maintained as near as possible?
- ☐ Yes ☐ No
13. Does the activity cause the loss of greater than 1/2 acre of waters of the U.S.? **NOTE:** Waters of the U.S. temporarily affected by the filling, flooding, excavation, or drainage where the project area is restored to preconstruction contours and elevation, are not included in the calculation of permanent loss of waters of the U.S. Where certain

functions and values of waters of the U.S. are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation will be required.

☐ Yes ☐ No

14. Is the activity proposed in a designated critical resource water and/or its adjacent wetlands?

☐ Yes¹ ☐ No

15. Are all of the applicable NWP General Conditions satisfied, including mitigation (GC #19), endangered species, and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?

☐ Yes ☐ No

16. Does the discharge cause the loss of greater than 300 linear feet of streambed?

☐ Yes ☐ No

17. Is the activity located adjacent to an authorized federal navigation project? These federal navigation areas include Adams Creek, Savannah River, Jeremy and Town Creek at McClellanville, Village Creek at Beaufort, the Charleston Harbor Navigation Project (to include the Federal navigation channels in Shipyard River, Wando River, Town Creek, and channels at the naval weapons station), Georgetown harbor, Little River Inlet, Murrells Inlet, Main Creek at Murrells Inlet, Port Royal Harbor, Waccamaw River, Shem Creek, and the Atlantic Intracoastal Waterway?

☐ Yes* ☐ No

18. Is the associated intake structure screened to prevent entrainment of juvenile and larval organisms and is the inflow velocity of the associated intake structures limited to ≤ 0.5 ft/sec?

☐ Yes ☐ No ☐ NA

19. Will this activity/authorization be used in conjunction with NWP 39 for a single and complete project?

☐ Yes ☐ No

20. Are the wetland/stream crossings aligned and designed to minimize the loss of waters of the U.S.?

☐ Yes ☐ No ☐ NA

21. Will the excavated material be returned to the trench and any remaining material relocated and retained on an upland disposal site? *NOTE: Substrate containing roots, rhizomes, seeds, etc., must be kept viable and replaced at the surface of the excavated site. Impacted wetlands will be allowed to naturally re-vegetate from replaced substrate and/or be replanted with native wetland species.*

☐ Yes ☐ No ☐ NA

22. Will stream banks that are cleared of vegetation be stabilized using bioengineering techniques and/or the planting of deep-rooting species?
- ☐ Yes ☐ No ☐ NA
23. Will each individual wetland/stream crossing be stabilized immediately following completion of construction/installation?
- ☐ Yes ☐ No ☐ NA
24. Will construction techniques prevent draining of wetlands?
- ☐ Yes ☐ No² ☐ NA
25. Does the notification include:
- Specifications of how pre-construction contours will be re-established and verified after construction;
 - A justification of the required width of all maintained utility crossings impacting waters of the U.S.;
 - A justification of a loss of waters of the U.S. impacted by above grade access roads, permanent access roads constructed of impervious materials, and utility line substations;
 - The acreage of impacts to waters of the U.S. permanently converted from a forested wetlands to a herbaceous wetland and a compensatory mitigation proposal.
- ☐ Yes ☐ No ☐ NA

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

* - REQUIRES A PRE-CONSTRUCTION NOTIFICATION (PCN) TO THE DISTRICT ENGINEER.

NOTE: THE PCN MUST ALSO INCLUDE A DELINEATION OF AFFECTED SPECIAL AQUATIC SITES, INCLUDING VEGETATED WETLANDS, VEGETATED SHALLOWS (submerged aquatic vegetation, seagrass beds) AND RIFFLE POOL COMPLEXES.

¹ - Discharges of dredged or fill material into waters of the U.S. may be authorized by this NWP in National Wild and Scenic Rivers if the activity complies with NWP General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with NWP General Condition 11, and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

² – If no construction techniques to prevent draining are proposed, the applicant must provide appropriate documentation that such techniques are not required to prevent wetland drainage.